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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,127	09/17/2003	Daniel A. Martinez	DP-310001	3466
22851	7590	02/28/2006	EXAMINER	
DELPHI TECHNOLOGIES, INC.			ROSENBERG, LAURA B	
M/C 480-410-202			ART UNIT	
PO BOX 5052			PAPER NUMBER	
TROY, MI 48007			3616	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/664,127

Applicant(s)

MARTINEZ ET AL.

Examiner

Laura B. Rosenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-28 is/are allowed.
- 6) ☒ Claim(s) 1-9, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This office action is in response to the amendment filed 23 November 2005, in which claims 1, 19, 21, 23, 24, and 26-28 were amended and claims 16-18 were cancelled.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Skofljanec et al. (6,419,199). Skofljanec et al. disclose a universal anchor (including #7) for a vehicle comprising:

- Magnet (including #21) fixedly secured to an anchor portion (in the alternative configuration disclosed in column 6, lines 46-50) defining an opening (including middle portion of U-shaped anchors, best seen in figure 1, and #25, best seen in figure 2)
- Flux deflector (including #13) movably mounted to the anchor and able to move in a range defined by a first position (best seen in figure 3a) and a second position (best

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seen in figure 3b), the flux deflector effectively blocking the opening when in the first position (best seen in figure 3a)

- Sensing switch (including #19) able to detect the magnetic field of the magnet, the magnetic field increasing as the flux deflector moves from the first position towards the second position and the sensing switch providing a detectable signal (including “locking signal”) when the magnetic field is increased (columns 6-9)
- Sensing switch comprising a Hall effect device (including #19) positioned to sense the magnetic field of the magnet
- Detectable signal being received by a controller of an airbag module, suppressing the operation on an airbag module in response to this signal (best described in the Background of the Invention section)
- Movement of the flux deflector from the first position is detected by the sensing switch (columns 6-9)

4. Claims 1-9, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Haas et al. (6,831,537). Haas et al. disclose a universal anchor (including fastening clips on crossbar) for a vehicle comprising:

- Magnet (including #5) fixedly secured to an anchor portion (including fastening clips and fixed part #1) defining an opening (opening not specifically shown)
- Flux deflector (including #2, 3, 10; specifically shielding means #3) movably mounted to the anchor (at pivot point #7) and able to move in a range defined by a first position (including #P1) and a second position (including #P2), the flux deflector

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effectively blocking the opening when in the first position (opening not specifically shown, but since the lever #10 is moved by securement member #210 when securement member is installed on fastening clips, then lever would effectively block the opening to which the securement member is fed into in the first position)

- Sensing switch (including #8) able to detect the magnetic field of the magnet, the magnetic field increasing as the flux deflector moves from the first position towards the second position and the sensing switch providing a detectable signal (including electrical signal) when the magnetic field is increased (column 3, lines 10-47)
- Sensing device comprises a Hall effect device (including #8; column 4, line 61) positioned to sense the magnetic field of the magnet
- Flux deflector is biased into the first position (via #4) and must be moved from the first position to allow a hook (for example, ends of #210) to engage the anchor
- Detectable signal being received by a controller of an airbag module, suppressing the operation on an airbag module in response to this signal (column 4, lines 37-49)
- Movement of the flux deflector from the first position is detected by the sensing switch (column 3, lines 10-47)
- Flux deflector further comprises an actuating end (for example, including #10) and a flux deflection end (for example, including #3)
- Actuating end travels in a first direction (towards the right or left depending on the figure being looked at) and the flux deflection end travels in a second direction (towards the left or right depending on the figure being looked at) when the flux

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deflector moves from the first position, the first direction being opposite the second direction (best seen in figures 1A, 2, 3)

- Stopping member (including stop on housing half #11) able to make contact with the actuating end when the flux deflector is in the first position (column 3)

### ***Allowable Subject Matter***

5. Claims 19-28 are allowed.
6. Claims 10, 11, 14, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: The allowable subject matter in claim 19 is a combination of the member being pivotable and the magnet being disposed on the detection end of the pivotable member, in combination with other features of claim 19. Haas et al. disclose all the features of the claimed invention with the exception of the magnet being disposed on the detection end of the pivotable member. In contrast, the magnet in Haas et al. is fixed to the stationary housing, and it would not be obvious to modify this reference to include the magnet being disposed on the detection end of the pivotable member.

### ***Response to Arguments***

8. Applicant's arguments filed 23 November 2005, with respect to the Skofljanec et al. reference, have been fully considered but they are not persuasive. The invention of

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Skofljanec et al. meets all of the structural and functional limitations of the claim. Since the applicant hasn't actually claimed that the "flux deflector" has to deflect flux, it doesn't serve to distinguish over the prior art. Further, the material of the flux deflector has not been claimed, and some degree of deflection of magnetic flux would occur in Skofljanec et al.'s flux deflector, regardless of the material used.

9. With respect to Haas et al., the examiner agrees that the magnet is attached to the housing of the anchor section of the invention. Thus, the examiner has applied a new rejection based on this interpretation, and has made this action non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Laura B Rosenberg

Patent Examiner

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LBR



PAUL N. DICKSON

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 3600